

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

SECRET ISLAND FISHERIES, LLC,

Plaintiff,

VS.

**RANGER OFFSHORE, INC. AND
EMERALD O.V., LTD., IN PERSONAM
AND THE M/V HAMMERHEAD, IN REM**

§
§
§
§
§
§
§
§

CIVIL ACTION NO. _____

IN ADMIRALTY

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE UNITED STATES DISTRICT JUDGE:

COMES NOW, SECRET ISLAND FISHERIES, LLC, Plaintiff in this case, filing this complaint in personam and in rem against Ranger Offshore, LLC ("Ranger") and the M/V Hammerhead for damages arising out of a September 3, 2014 allision in Galveston, Texas, respectfully showing the following:

I. Jurisdiction.

1. Jurisdiction is proper under this court's admiralty jurisdiction. This case arises out of an allision on the navigable waters of the United States, for which admiralty jurisdiction is provided by Article III, §2, clause 1 of the United States Constitution and 28 U.S.C. §1333.

II. Venue.

2. Venue is proper because the vessel allision occurred within the territorial boundaries of the Galveston Division of the United States District Court for the Southern District of Texas. Thus, the claim arose in this District, and in personam venue is proper under 28 U.S.C.

§1391. Venue in rem is proper because the Defendant vessel, M/V Hammerhead, can be arrested in this District.

III. Parties.

3. The M/V Secret Island is an American Bureau of Shipping classed vessel, with a United States Coast Guard Certificate of Inspection.
4. The M/V Hammerhead is an offshore supply vessel homeported in the Southern District of Texas.
5. Ranger Offshore, Inc., of Houston, Texas, is the owner or bareboat charterer of the Defendant M/V Hammerhead. Ranger Offshore is a Delaware corporation and can be served with process through its registered agent for service of process, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Ranger holds itself out as the owner of the M/V Hammerhead; please see the vessel information found on its website, attached as Exhibit "A".
6. Emerald O.V., Ltd. is a Texas limited partnership located at 4800 Sugar Grove Blvd., Suite 450, Stafford, Texas 77477. It may be served through its registered agent for service of process, Lloyd R. Cunningham, 2221 Brun Street, Houston, Texas 77019. Emerald O.V., Ltd. is the registered owner of the M/V Hammerhead.

IV. Facts.

7. On September 3, 2014, the M/V Secret Island was moored at the Newport Terminal Dock in Galveston County, Texas. The weather was clear, and visibility was good.
8. At about 3:25 p.m., the M/V Hammerhead was attempting to pass the moored M/V Secret Island to dock at an adjacent facility, when it veered off course and smashed into the M/V Secret Island.

9. The fault of the accident was entirely that of the M/V Hammerhead and its owner or bareboat charterer, Ranger Offshore. The M/V Secret Island, being tied up at the dock, was a helpless spectator to its own fate. By contrast, the M/V Hammerhead and its owners were entirely responsible for the allision, and for the direct and consequential damages sustained by the M/V Secret Island.
10. The maritime law has long placed a presumption of liability upon a moving vessel which allides with a moored or stationary object or vessel. Under the *Oregon* rule (*The Oregon*, 185 U.S. 186, 1895), the presumption of fault shifts to the alliding vessel. Plaintiff specifically pleads the application of the *Oregon* rule.

V. Damages.

11. United States Fire Insurance Company and the other following, hull insurers of the M/V Secret Island paid \$325,000.00 in repair costs for the M/V Secret Island. U.S. Fire Insurance and the following insurers now come and seek recovery of those sums as a subrogated plaintiff.
12. Secret Island Fisheries, owners of the M/V Secret Island, incurred \$25,000.00 in damages as the deductible for the U. S. Fire-led hull policy. Secret Island Fisheries comes now and sues for that sum.
13. Secret Island Fisheries, the owner of the M/V Secret Island, also incurred \$53,000.00 in non-insured direct damages as a result of the collision at issue, for which sum Secret Island Fisheries comes now and sues.
14. Secret Island Fisheries has also sustained in excess of \$250,000.00 in lost profit charter hire damages directly traceable to the M/V Secret Island's being out of service for the

length of time necessary to repair the damages caused by the collision at issue. Secret Island Fisheries comes now and sues for those damages.

VI. Causes of Action.

15. Secret Island Fisheries and the M/V Secret Island sue Defendants M/V Hammerhead and Ranger Offshore in rem and in personam, respectively, for negligence under the general maritime law, for negligence under the doctrine of res ipsa loquitur, and for the fault presumed under the *Oregon* rule.

WHEREFORE, PREMISES CONSIDERED, Secret Island Fisheries prays that citation be issued upon Defendants, that Plaintiffs have their day in court, that they receive the relief to which they are entitled, costs of court, and for such other and further relief as this Court deems proper.

Respectfully submitted,

BUCKLEY, WHITE, CASTANEDA
& HOWELL, L.L.P.

/s/ Richard J. White

Richard J. White
Fed. Bar No. 2723
State Bar No. 21350100
2401 Fountainview, Suite 901
Houston, Texas 77057
Telephone: 713-789-7700
Facsimile: 713-789-7703
rjwhite@bwchlaw.com

/s/ Joe Jaworski

Joe Jaworski, Esquire
Jaworski Law Firm
305 21st Street, Suite 222
Galveston, Texas 77550
(409) 763-0700
(409) 763-6352
joejaw@jaworskilawfirm.com

(Pending admission *pro hac vice*)

/s/ Stephen M. Ouellette

Stephen M. Ouellette, Esquire

MA BBO No.: 543752

Ouellette Law Office

127 Eastern Ave., Suite 1

Gloucester, MA 01930

Tel: (978) 281-7788

Fax: (978) 281-4411

stephen.ouellette@fishlaw.com